

**Water Quality Standards Discussion Group  
Outcomes from Workshop #1**

December 17, 2001, Department of Ecology, Lacey

- This was the first meeting of this group, whose purpose is to provide focused input to Ecology on proposed water quality standards, including, but not limited to, issues related to how Ecology might revise its temperature standards in light of EPA's recently-released draft regional temperature guidance.
- The proposed Ground rules were adopted without dissent, except the schedule for the remaining workshops was held for separate consideration at the end of the meeting. Environmental interests generally expressed frustration about the time required to complete the state's triennial review and adopt revised standards, and expressed their preference to complete these workshops by the time EPA's comment period on the draft temperature standards is over.

Discussion of Triennial review of the water quality standards

Megan White, Water Quality Program Manager for the Department of Ecology, summarized the primary issues currently being considered by the department, and the driver for each issue:

- Temperature and Dissolved oxygen to protect fish; Federal agencies are the driver
- How to apply anti-degradation standards; EPA is the driver
- Conversion to use-based standards; the state is the driver
- Revision to bacteria standards; EPA is the driver

Among the issues not on the table for now:

- mixing zones for toxicants
- domestic water supply use

Group discussion touched on a number of issues, including, but not limited to the following:

- whether dischargers should have to incur expenses to upgrade when such upgrade won't cause the standards to be reached
- the importance of flow to water quality
- the need to recognize progress being made
- the need for, and risks of, flexibility in the rules
- the importance of implementation
- the possible benefit of considering more than one alternative during the rulemaking process
- the need for transparency in the rulemaking process

Temperature standards

John Palmer of EPA summarized the 4 major proposals included in EPA's draft temperature guidance. Ecology provided its viewpoint on EPA's draft guidance: generally in conceptual agreement with EPA's guidance, with a number of substantive and implementation issues to address.

Group discussion touched on a number of issues, including, but not limited to the following:

- whether EPA views their guidance as "criteria"
- whether guidance should be seen as "principles" in view of the lack of a sharp line between temperatures that are acceptable and unacceptable.
- the need for flexibility, and the degree of flexibility provided by the thermal potential concept.
- the possible disconnect between laboratory results and field results.
- the need for temperature standards to consider both magnitude and duration of exceedances.

- the idea of using a general permit for a watershed as a vehicle for tailoring standards to the watershed.
- the potential for using the concept of "properly functioning system," or "population viability" in the standards, and practical implementability if these ideas.
- the idea of modifying the 303(d) listing criteria, in lieu of providing flexibility in the WQ standards themselves; such listing criteria to take into account whether data were gathered during a drought year, etc., to minimize the need for "superfluous" TMDLs.
- the importance of implementing temperature standards that allow for recovery of threatened and endangered fish species.

#### Forthcoming rules proposal

Mark Hicks of Ecology provided a brief preview of major changes to be reflected in the forthcoming proposal compared to the department's previous proposal. The new proposal is expected to be released by December 31. The forthcoming draft is an informal proposal.

#### Tentative agenda for next meeting—Wednesday, January 23, 2002

##### *Technical emphasis in AM*

Technical issues: modeling, database management, etc

Compare EPA temperature guidance with Ecology's latest draft rule

##### *Policy emphasis in PM*

ESA implementation/consultation (incl. integration of CWA and ESA), by EPA and Services

Present & Discuss scenarios for temperature

#### Additional topics mentioned for the group's future consideration (from flip chart):

Anti-degradation

Use-based standards

Dissolved gas

Aesthetic values

#### Schedule for future meetings: (Locations TBD)

Workshop #2 — Wednesday, January 23

Workshop #3 — Tuesday, February 26

Workshop #4 — Tuesday, March 26

#### Steering Committee:

A Steering committee was established to assist the facilitators in formulating agendas and making other decisions related to the group. Steering committee members are: Megan White, Cliff Sears, Ann Goos, Martha Burke, and Ivy Sager-Rosenthal (added following the meeting).